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By: John D. Hugelmeyer
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FILED

MAR 10 2011

NEW JERSEY BOARD OF
CHIROPRACTIC EXAMINERS

STATE OF NEW JERSEY
DEPARTMENT OF LAW & PUBLIC SAFETY
DIVISION OF CONSUMER AFFAIRS

IN THE MATTER OF THE LICENSE OF

ALLAN R. SPAGNARDI, D.C.
License No. 38MC00629300

TO PRACTICE CHIROPRACTIC
IN THE STATE OF NEW JERSEY

Administrative Action

ORDER OF SUMMARY
SUSPENSION

To: Allan R. Spagnardi, D.C.
5101 Paces Station Dr.
Atlanta, GA 30339

This matter was opened to the New Jersey State Board of Chiropractic Examiners upon receipt of information revealing the following:

1. Respondent, Allan R. Spagnardi, D.C., is the holder of license No. 38MC00629300 and was licensed to practice chiropractic in the State of New Jersey until August 31, 2007, at which time Respondent's license lapsed.

2. On or about February 29, 2008, a *Demand for Certified Statement in Writing and Production of Documents* was served upon Respondent by certified and regular mail. The demand required Respondent to produce his complete patient record for patient E.D., who was treated by him in New Jersey in April 2006, and for whom billing for services not rendered had been alleged in a complaint to the Board.

3. On March 11, 2008, Susan Fruchtmann, Esq., a New Jersey attorney, telephoned the Deputy Attorney General assigned as counsel to the Board to inquire about the demand made to Respondent. Ms.

Fruchtman advised that she did not as yet represent Respondent. (Certification of DAG Hugelmeyer attached hereto and made a part hereof as "Exhibit A").

4. To date there has been no response to the demand issued to Respondent on behalf of the Board, notwithstanding his receipt of the demand as evidenced by the inquiry of Ms. Fruchtman.

5. Respondent's failure to timely respond to an inquiry of the Board and to provide information requested pursuant to a demand under N.J.S.A. 45:1-18 is a failure to cooperate pursuant to N.J.A.C. 13:45C-1.3(a)4, and is deemed professional misconduct and grounds for disciplinary action against Respondent's license to practice chiropractic in New Jersey pursuant to N.J.S.A. 45:1-21(e).

6. Respondent's failure to submit his biennial renewal in 2007, resulting in a lapsed license status, provides grounds to automatically suspend Respondent's license to practice chiropractic in the State of New Jersey pursuant to N.J.S.A. 45:1-7.1(b).

ACCORDINGLY, IT IS on this 10th day of March, 2011,

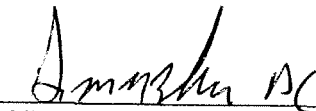
ORDERED that:

1. Respondent's license to practice chiropractic in the State of New Jersey shall be, and hereby is, suspended by operation of N.J.S.A. 45:1-7.1, without hearing.

2. In the event that Respondent seeks reinstatement of a New Jersey license at any time in the future, this order shall require Respondent to show cause why, because of his failure to cooperate detailed herein, the application for reinstatement should not be refused, or issued subject to such restraints as the Board may deem appropriate.

NEW JERSEY STATE BOARD OF
CHIROPRACTIC EXAMINERS

By



Michael B. Krouse, D.C.
Board President

EXHIBIT A

PAULA T. DOW
ATTORNEY GENERAL OF NEW JERSEY
Division of Law
124 Halsey Street, Fifth Floor
P.O. Box 45029
Newark, New Jersey 07101

By: John D. Hugelmeyer
Deputy Attorney General
(973) 648-3453

STATE OF NEW JERSEY
DEPARTMENT OF LAW AND PUBLIC SAFETY
DIVISION OF CONSUMER AFFAIRS
STATE BOARD OF CHIROPRACTIC
EXAMINERS

IN THE MATTER OF THE LICENSE OF:

Administrative Action

ALLAN R. SPAGNARDI, D.C.
LICENSE NO.: 38MC00629300

CERTIFICATION OF
JOHN D. HUGELMEYER, ESQ.

TO PRACTICE CHIROPRACTIC
IN THE STATE OF NEW JERSEY

I, John D. Hugelmeyer, Esq. certify and say:

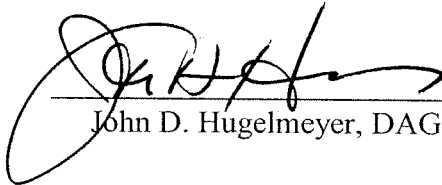
1. I am an attorney-at-law of the State of New Jersey and the Deputy Attorney General assigned as counsel to the State Board of Chiropractic Examiners ("the Board").
2. On or about February 29, 2008, I caused to be transmitted to Allan R. Spagnardi, D.C. at 5101 Paces Station Dr., Atlanta, GA 30339, a *Demand for Certified Statement in Writing and Production of Documents* prepared on behalf of the Board pursuant to the provisions of N.J.S.A. 45:1-18(a). The demand required production of the complete patient record of E.B.

3. On March 11, 2008, I received a telephone call from Susan Fruchtman, Esq., a New Jersey attorney, who inquired as to the reason for the issuance of the demand to Dr. Spagnardi. Ms. Fruchtman advised that she had not yet accepted representation of Dr. Spagnardi with regard to the matter.

4. On or about July 10, 2008, I wrote to Ms Fruchtman to inquire whether she intended to enter an appearance in the matter. I have not received a response from Ms. Fruchtman. Nor have I received a response to the demand from Dr. Spagnardi.

I certify that the foregoing statements made by me are true. I am aware that if any of the foregoing statements made by me are willfully false, I am subject to punishment.

Dated 3-1-11



John D. Hugelmeyer, DAG